REMARKS

Claims 1-52 were pending in the subject application. The amendment set forth above does not increase the number of independent claims, and reduces the number of dependent claims by canceling Claims 2, 15, 28 and 41, leaving 48 Claims 1, 3-14, 16-27, 29-40 and 42-52 pending, including independent Claims 1, 14, 27 and 40.

Amendments

The Examiner indicates that original Claims 5, 18, 31 and 44 would be allowable if properly rewritten in independent form. Accordingly, the substantive amendments set forth above move elements from those claims into the independent claims from which they depend. Except as remarked upon below, the remaining amendments exclusively enhance clarity without affecting the scope of a claim.

Because the set of claims numbered between 1 and 13 significantly parallel the set numbered between 14 and 26 as well as the sets numbered between 27-39 and 40-52, the remarks set forth below in regard to Claims 1 and 3-13 will be seen to apply equally well to the corresponding claims in each of the other sets.

Claim 1 is amended to incorporate all of the elements of original Claim 2, which is accordingly canceled, and Claim 3 is therefore amended to be dependent on Claim 1. Substantial subject matter from original Claim 5 is also incorporated into Claim 1 as currently amended, and accordingly such subject matter is deleted from Claim 5 as currently amended.

Claim 1, as originally filed, recited in part "synchronizing an Orthogonal code sequence with the Orthogonal code sequence boundary of the target base station's pilot sequence." Claim 2, as originally filed, recited "correlating the selected Orthogonal code sequence with the P/N correlated target pilot sequence of the target base station," while Claim 5 originally recited in part "selecting a code sequence that is at least quasi-orthogonal to the Orthogonal code sequences currently employed by the target base station." In an embodiment described in the application as filed (see paragraph 33 and Figure 6A), the incoming signal is correlated with both an orthogonal code (step 84), and also with the target pilot PN sequence. The sixth sentence of paragraph 33 recites: "The orthogonal Walsh code used in step 84 ideally is orthogonal to all active Walsh codes in the same cell." Such an orthogonal code is the one "selected" in Claim 5 as originally filed, and, due to the incorporation of that material into Claim 1 as currently amended, also refers to the Orthogonal code sequence that is synchronized with the Orthogonal code sequence boundary of the target base station's pilot sequence. Thus, in consolidating Claim 2 and parts of Claim 5 into Claim 1, clarity and readability is enhanced by adding "selected" to modify "Orthogonal

code" whenever that phrase refers to the Orthogonal code which, in addition to the target pilot sequence, is correlated with the incoming signal.

In all claims, therefore, "selected" is added as a modifier for "Orthogonal code sequence," or "Orthogonal" is added after "selected" and before "code sequence," as appropriate whenever the reference is to the code sequence which, additionally to the target pilot sequence, is correlated to the incoming signal. While the consolidation of Claim 2 and part of Claim 5 into Claim 1 is, of course, narrowing, the consistent use of "selected Orthogonal code sequence" is not a narrowing amendment, but instead merely clarifies which Orthogonal code is being referenced. The Orthogonal code referenced in Claim 3 as originally filed, for example, refers to "the Orthogonal code sequence" of Claim 2 as originally filed at least because no other Orthogonal code sequence has yet been identified; other references are to a pilot code sequence and to an Orthogonal code sequence boundary. However, due to the consolidation with Claim 5 elements, such Orthogonal code sequence is the selected Orthogonal code sequence, and accordingly is identified as such throughout the claims as currently amended. These amendments set forth above for Claims 1, 3 and 5 are thus supported by Claims 1, 2, 3 and 5 as originally filed, as well as by Paragraph 33 and Figure 6A of the application as filed.

Also to enhance clarity, each reference to "received pilot signal" is amended to reference "received target base station's pilot signal." This is consistent, for example, with element (a) of Claim 1 as originally filed, which identifies the received signal of interest as being the signal of the target base station. Each reference which, as amended, newly incorporates the modifier "target base station's" can be seen to have meant the same thing originally, so such amendment merely improves the readability of the claim thus amended.

An amendment to Claim 9 deletes an element that has now been incorporated into Claim 1 from the last element of Claim 2, thereby avoiding redundancy. The Orthogonal sequence of Claims 10 and 12 is the pilot Orthogonal code sequence of Claim 9, as may be seen in Figure 6A and associated text, so Claims 10 and 12 are amended to make this clear. All remaining claims remedy minor failures to establish antecedent basis before using definite articles, or change an element designator from lower to uppercase to avoid having an element (a) dependent on a distinct element (a). None of such amendments are substantive, narrowing, or even for purposes of patentability; rather, they merely improve readability and clarity, which was adequate but warranted improvement.

Substantially similar amendments as those described in the remarks set forth above have been made, *mutatis mutandis*, to the corresponding Claims numbered 14-26, 27-39, and 40-52.

Distinction over cited prior art

The Examiner rejects each original claim, except original Claims 5, 18, 31 and 44, over a combination of Kamel in view of Bender, or further in view of Wang. Claims 5, 18, 31 and 44, originally filed, were the only claims that required "selecting a code sequence that is at least quasi-orthogonal to the Orthogonal code sequences currently employed by the target base station," in the sense in which it is used as otherwise required by a presently pending claim. This element (or one substantially similar) is now incorporated into each independent claim as presently amended. It is respectfully submitted that none of the currently cited prior art references teaches, discloses, or fairly suggests such element. In noting the allowability of Claims 5, 18, 31 and 44, the Examiner makes no suggestion to the contrary.

Original Claim 5 is not incorporated into Claim 1 in its entirety. The elements retained in Claim 5 as currently amended are not essential to the invention of Claim 1 as presently amended, which is described as an embodiment in paragraph 33 of the application as filed without such elements. Those inessential elements have accordingly been retained in Claim 5 as presently amended.

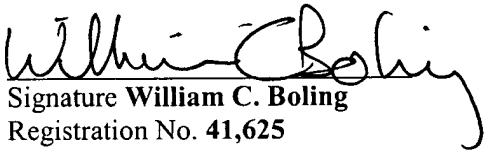
At least in view of the above-noted element that is now incorporated in each independent claim as presently amended, the Examiner is respectfully requested to withdraw his previous grounds of rejection.

Conclusion

It is respectfully submitted that the amendments and remarks set forth above overcome each ground of rejection set forth by the Examiner. As such, the Examiner is respectfully requested to reconsider the application, to withdraw all previous rejections and objections, and, barring the discovery of new grounds for rejection or objection, to promptly issue a Notice of Allowance of all claims.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees or deficiencies required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. **50-0490**.

Respectfully submitted,



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